

07 NCAC Subchapter 4M is proposed to be amended under permanent rule procedures as follows:

## **CHAPTER 4 – OFFICE ~~DIVISION~~ OF ARCHIVES AND HISTORY**

### **SUBCHAPTER 4M ~~ARCHIVES AND RECORDS SECTION~~ DIVISION OF ARCHIVE AND RECORDS**

#### **SECTION .0100 - ~~NORTH CAROLINA STATE ARCHIVES;~~ ARCHIVES OF NORTH CAROLINA; USE AND SERVICES**

##### **07 NCAC 04M .0101 STATEMENT OF PURPOSE OF ARCHIVES AND RECORDS SECTION**

~~It is the responsibility of the Archives and Records Section to promote and safeguard the documentary heritage of the state by preserving public records and private papers which have continuing research and reference value to scholars and private citizens; to make these records available to patrons of the Search Room and to answer letters of inquiry; to direct the records management and micrographic programs for state and local agencies and institutions; to assist these programs through educational programs, technical assistance, professional services, and written standards; to operate a central microfilming service and a state records center; to microfilm for security purposes the permanently valuable records in county, state and municipal offices; and to assist in the orderly disposal of records no longer required for administrative or research purposes.~~

*History Note:* Authority G.S. 121-4(3); 121-5(d); 143B-62(2)a;  
Eff. February 1, 1985;  
Amended Eff. June 1, 1989.

##### **07 NCAC 04M .0102 ARCHIVES SEARCH ROOM HOURS**

~~(a) The North Carolina State Archives Search Room is open from 8:00 a.m. to 5:30 p.m. Tuesday through Friday, and from 9:00 a.m. to 5:00 p.m. on Saturday.~~

~~(b) The Search Room is closed on Sundays and Mondays and on all state holidays. If a holiday occurs on either a Friday or a Saturday, the Search Room will be closed both Friday and Saturday. If a holiday is observed on Monday, the Search Room will be closed on the preceding Saturday. The Search Room will be closed for three days during the month of January for inventory.~~

*History Note:* Authority G.S. 121-4(3); 121-5(d); 143B-62(2)a;  
Eff. February 1, 1985;  
Amended Eff. April 1, 2001; June 1, 1989; May 3, 1986.

##### **07 NCAC 04M .0103 ARCHIVES REFERENCE SERVICES**

~~Reference services available to the public are outlined in an Archives Information Circular available at the Search Room desk.~~

*History Note:* Authority G.S. 121-4(3); 121-5(d); 143B-62(2)a;  
Eff. February 1, 1985;  
Amended Eff. June 1, 1989.

##### **07 NCAC 04M .0104 ADMISSION TO ARCHIVES STACKS**

~~(a) Permission for limited access to the archives stacks area may be obtained by researchers providing that an application is submitted stating the records to be consulted, the purpose of the access, and the reason why the research cannot be conducted from the Search Room. Permission shall be granted only if necessary for the researcher to accomplish his purposes. The stacks storing archival collections are not public spaces.~~

(b) ~~An application for limited access may be approved by the Administrator, Archives and Records Section, the Assistant State Archivist, or the supervisor of the Reference Unit.~~

(c) ~~Permission for extended access to the archives stacks area may be obtained by researchers on the same basis for limited access, except that permission shall be obtained from the Administrator, Archives and Records Section, or his designated representative only.~~

*History Note: Authority G.S. 121-4(3); 121-5(d); 143B-62(2)a;  
Eff. February 1, 1985;  
Amended Eff. April 1, 2001; June 1, 1989.*

## **07 NCAC 04M .0105 ARCHIVES SEARCH ROOM PUBLIC RESEARCH FACILITIES REGULATIONS**

Regulations governing researchers' use of the ~~North Carolina State~~ Division of Archives Search Room and Records public research facilities are as follows:

- (1) Brief cases, attache cases, bags, coats, tote bags, or other bulky clothing, notebooks, envelopes, pad folders, privately owned books, maps, and old manuscripts may not be taken into the ~~Archives Search Room~~ research rooms. Lockers and coat racks are provided outside the ~~Search Room~~ research rooms for such items.
- (2) ~~Admission to the Search Room~~ Access to the archival collections shall only be by means of an identification card which shall be obtained from the Security Personnel in the Search Room lobby upon presentation of current photo identification, providing accurate name and address.
- (3) Researchers shall request archival records by filling in completely the call slips provided; each slip must bear the identification number issued to the researcher. To receive records the identification card shall be surrendered to a member of the Search Room staff, or records request form provided by each facility. Information required to request records includes researcher's name, date, and citation or records to be requested.
- (4) Research facilities in Raleigh issue patrons identification cards to be used when requesting archival records. To receive records in Raleigh, the identification card shall be surrendered to a member of the research room staff. Upon leaving the research room in Raleigh, the researcher shall surrender his or her identification card to a member of the research room staff.
- ~~(4)(5)~~ A researcher may request more than one box or volume of ~~records at the time; these shall be held at the reference desk until the researcher is ready for them.~~ records. However, a researcher may access only one box of loose records or up to three volumes of records may be issued to the researcher at any one time. When use of the box or volumes or box is completed, the researcher shall return the used records prior to the reference desk in order to obtain obtaining another box or other volumes of records.
- ~~(5)(6)~~ Upon return of the records to the Search Room reference desk, they may be examined, and if the researcher has completed his work, the identification card shall then be returned to him. Upon leaving the Search Room, the researcher shall surrender the identification card to the Security Personnel who may Staff shall examine any materials the researcher brings into or removes from the research Search Room. room.
- ~~(6)(7)~~ Researchers ~~must~~ shall exercise care in handling records, manuscripts, books, or other materials. In particular, ~~the following patrons shall be observed:~~ observe the following:
  - (a) Manuscripts may not be marked or otherwise altered or defaced.
  - ~~(e)(b)~~ Pens, highlighters, and other writing instruments that create permanent marks shall not be permitted in research rooms.
  - ~~(b)(c)~~ Pencils or other items are not to No items shall be used as "pointers" when reading original records.
  - ~~(e)(d)~~ Tape and other office supplies, such as correction fluid and gum erasers, are shall not be permitted in the Search Room; research room; pencils are to shall be used with great care to ensure no marks or other damages are made to the materials.
  - ~~(d)(e)~~ Books or other materials may shall not be returned to Search Room research room shelves; these shall be replaced by a Search Room staff member.
  - ~~(e)(f)~~ All manuscripts, volumes and reference books from the Search Room research room shelves are to shall be placed on the tables or reading stands provided in the Search

- Room; research room; they ~~are~~ shall not ~~to~~ be held in the lap or propped against the edge of a table.
- (f)(g) Only one box ~~or~~ and one folder of loose papers ~~may from that box shall~~ be opened at one time in order to avoid ~~mixing~~; mixing of records or folders.
- (g)(h) Papers ~~are~~ shall not ~~to~~ be rearranged under any circumstances. If a researcher thinks something is out of order, he ~~should~~ or she shall notify a ~~Search Room~~ staff member.
- (h)(i) Records from the stacks and reference materials from the ~~Search Room~~ are research room shall not be permitted in the microfilm reading room.
- (7)(8) Smoking, eating, or drinking is shall not be permitted in the ~~Search Room~~; ~~food is to be left in the outer lobby of the Search Room~~; research room. A researcher wishing to ~~leave the Search Room~~ temporarily leave the research room must turn in all pulled archival records in order to obtain his identification card to leave the Search Room and shall verify his registration when reentering the Search Room. ~~Eating is not permitted in the lounge near the elevators. Space is provided at the Snack Bar in the basement for this purpose.~~ reentering.
- (8)(9) Orders for copies placed in person by a researcher shall not exceed 50 copies per researcher per day. Such orders ~~are~~ shall be paid at the time the copies are made and may not be billed.
- (10) Equipment deemed by the Archives Conservator to be damaging to archival records may not be used in the research rooms. The Archives Conservator shall make this determination based upon harm caused by excessive light exposure, tearing, or otherwise defacing the document. This shall include the use of equipment that sits on top of or pulls an original item through it to capture the image or provides light levels that damage the document.
- History Note: Authority G.S. 121-4(3); 121-5(d); 132-6.2; 143B-62(2)a;  
Eff. February 1, 1985;  
Amended Eff. April 1, 2001; June 1, 1989.

**07 NCAC 04M .0106      DUPLICATION      SERVICES      PHOTOCOPYING: — TRANSCRIPTION: PHOTOGRAPHIC: AND DOCUMENT**

The following duplication services are available for archival records in the ~~North Carolina State Archives~~; custody of the Division of Archives and Records:

- (1) photocopies of loose documents;
- (2) imaging of paper and photographic reproductions of maps, newspapers, mounted documents, and bound volumes; materials;
- (3) paper prints from microfilm;
- (4) negative, first-generation or "original" microfilm of records and manuscripts in the custody of the Division, except those under restriction by law or donation agreement;
- (5) duplicate microfilm of entire rolls of microfilm in the collections of the ~~State Archives~~; Division;
- (6) ~~typed, certified transcripts of information from Revolutionary Army Accounts in the records of the North Carolina Treasurer and Comptroller; from "Register of the North Carolina Continental Line"; from John W. Moore's "Roster of North Carolina Troops in the War Between the States"; and from "Muster Rolls of the Soldiers of the War of 1812: Detached from the Militia of North Carolina in 1812 and 1814";~~
- (7)(6) certified photocopies of public records of state agencies, counties, municipalities or other political subdivisions of North Carolina; and
- (8)(7) ~~exemplifications prepared in accordance with the requirements of the "Ancient Writings" rule for introduction as evidence in a court of law; and law.~~
- (9) ~~prints from the photographic negatives in the State Archives iconographic collection.~~

History Note: Authority G.S. 121-4(3); 121-5(d); 132-6.2; 143B-62(2)a;  
Eff. February 1, 1985;  
Amended Eff. April 1, 2001; June 1, 1989.

**07 NCAC 04M .0107      OUTER BANKS HISTORY CENTER GALLERY REGULATIONS**

- (a) Eating, drinking, and smoking are not permitted in the Gallery.
- (b) Visitors may not touch artifacts, art works, or graphics.
- (c) Children under 12 years of age must be accompanied by an adult over age 18.

*History Note: Authority G.S. 121-4(3); 121-5(d); 143B-62(2)a;*

## SECTION .0200 - LISTING OF PROFESSIONAL RESEARCHERS

### 07 NCAC 04M .0201 ARCHIVES MAY MAINTAIN LIST OF RESEARCHERS

As a service, the State Archives may maintain a list of professional researchers who are willing and able to undertake research service in the State Archives for a fee. This list is informational only and no endorsement is given or implied.

*History Note: Authority G.S. 121-4(3); 121-5(d); 143B-62(2)a;  
Eff. February 1, 1985;  
Amended Eff. April 1, 2001.*

### 07 NCAC 04M .0202 PROCEDURE FOR LISTING

(a) A person wishing to have his name listed as professional researcher shall make application in writing to: ~~Administrator, Archives and Records Section, Director, Division of Archives and History, Records~~, 4614 Mail Service Center, Raleigh, North Carolina 27699-4614.

(b) The application shall include a brief resume of the applicant's experience which will demonstrate his qualifications and aid in establishing his credentials. No special form is required for the application.

(c) The application must be accompanied by three letters of recommendation from persons who have engaged the applicant in the capacity of a paid researcher.

(d) Letters of recommendation shall be from persons who are:

- (1) unrelated to the applicant or the applicant's spouse; and
- (2) unacquainted with the applicant except as a researcher.

(e) The recommendations shall:

- (1) outline the nature and extent of the research which the applicant undertook for pay; and
- (2) attest the satisfaction of the reference with the services rendered.

*History Note: Authority G.S. 121-4(3); 121-5(d); 143B-62(2)a;  
Eff. February 1, 1985;  
Amended Eff. April 1, 2001.*

### 07 NCAC 04M .0203 APPROVAL OF REQUESTS

The ~~Administrator, Director, Division of Archives and Records Section, Records~~, shall review applications submitted for inclusion in the list of professional researchers. If determined that the applicant satisfies the procedures for listing that satisfies the procedures for listing as set forth in Rule .0202 of this Section, then the name of the researcher shall be placed on the list of available researchers as published by the ~~North Carolina State Archives, State Archives of North Carolina~~.

*History Note: Authority G.S. 121-4(3); 121-5(d); 143B-62(2)a;  
Eff. February 1, 1985;  
Amended Eff. April 1, 2001; June 1, 1989.*

### 07 NCAC 04M .0204 REMOVAL OF NAMES FROM THE LIST

(a) The Director of the Division of Archives and ~~History~~ Records may for good cause remove any person from the list of professional researchers.

(b) The term "good cause" as used in this Rule shall mean:

- (1) misrepresentation of credentials or services to be provided; or
- (2) consistent complaints on the part of patrons about the work of the researcher.

*History Note: Authority G.S. 121-4(3); 121-5(d); 143B-62(2)a;  
Eff. February 1, 1985.*

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3 **07 NCAC 04M .0205 — DEFINITION OF GOOD CAUSE**

4 The words "good cause" as used in this Section shall mean:

- 5 (1) ~~misrepresentation of credentials or services to be provided; or~~  
6 (2) ~~consistent complaints on the part of patrons about the work of the researcher.~~  
7

8 *History Note:* Authority G.S. 121-4(3); 121-5(d); 143B-62(2)a;  
9 Eff. February 1, 1985;  
10 Amended Eff. April 1, 2001.  
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12 **SECTION .0300 - ACCESSIONING PROCEDURES OF OTHER THAN PUBLIC RECORDS**  
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14 **07 NCAC 04M .0301 ACCEPTANCE OF ~~PRIVATE~~ NON-GOVERNMENT PAPERS**

15 (a) Original ~~private papers~~ materials of historical and cultural significance may be accepted for custody in the State  
16 Archives of North Carolina State Archives either as a ~~gift or on a loan basis~~, gift, subject to the approval of the  
17 ~~History, the Chief of the Archives and Records Section, Director of the Division of Archives and Records~~, or a  
18 designated representative. Prior to acceptance, the Division shall provide a contract of gift for the donor(s) to  
19 execute. The contract of gift shall be maintained in the Division's permanent files.

20 (b) Materials that may be accepted include:

- 21 (1) private manuscripts;  
22 (2) audio visual materials;  
23 (3) records of private, professional, or civic organizations;  
24 (4) copies of pre-1913 family Bible pages listing genealogical data; and  
25 (5) student and academic and financial aid records from defunct post-secondary schools and colleges  
26 having a campus in North Carolina.  
27

28 *History Note:* Authority G.S. 121-4(1); 121-4(3); 121-5(d); 143B-62(2)a;  
29 Eff. February 1, 1985;  
30 Amended Eff. June 1, 1989.  
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34 **07 NCAC 04M .0302 VALUATION**

35 ~~The North Carolina State Archives shall upon request by the donor, help arrange for the valuation of a gift for tax~~  
36 ~~purposes by an independent appraiser, who shall report that valuation to the donor.~~  
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38 *History Note:* Authority G.S. 121-4(3); 121-5(d); 143B-62(2)a;  
39 Eff. February 1, 1985;  
40 Amended Eff. April 1, 2001.  
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42 **07 NCAC 04M .0303 ORGANIZATIONAL RECORDS**

43 ~~The North Carolina State Archives may accept the records of private, professional, or civic organizations judged to~~  
44 ~~be relevant to the history of the state. A contract of gift must accompany records of both defunct and active~~  
45 ~~organizations.~~  
46

47 *History Note:* Authority G.S. 121-4(3); 121-5(d); 143B-62(2)a;  
48 Eff. February 1, 1985;  
49 Amended Eff. June 1, 1989.  
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53 **07 NCAC 04M .0304 BIBLE RECORDS**

1 ~~Family bibles are not accepted by the State Archives; however, pages containing pre 1913 information such as~~  
2 ~~records of births, deaths, baptisms and marriages of North Carolina families will be photocopied and accessioned by~~  
3 ~~the State Archives.~~

4  
5 *History Note:* Authority G.S. 121-4(3); 121-5(d); 143B-62(2)a;  
6 Eff. February 1, 1985;  
7 Amended Eff April 1, 2001.  
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## 9 **SECTION .0400 - DEACCESSIONING OF RECORDS**

### 10 **07 NCAC 04M .0401 REVIEW**

11 ~~Whenever, in the opinion of the Administrator of the Archives and Records Section, any accessioned records in the~~  
12 ~~North Carolina State Archives should be destroyed, transferred to another institution, returned to the donor, or for~~  
13 ~~some other reason de-accessioned, each record series of the subject records shall be inventoried in detail.~~

14 (a) The Director, Division of Archives and Records shall determine any accessioned records in the State Archives  
15 of North Carolina when records are:

- 16  
17 (1) duplicates;  
18 (2) not in keeping with the collection policies of the Division; or  
19 (3) no longer have permanent historical value.

20 (b) Each record series of the subject records shall be inventoried in detail. The inventory shall be forwarded to the  
21 Director of the Office of Archives and History.  
22

23 *History Note:* Authority G.S. 121-4(3); 121-5(d); 143B-62(2)a;  
24 Eff. February 1, 1985;  
25 Amended Eff. April 1, 2001.  
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### 27 **07 NCAC 04M .0402 PREPARATION OF LISTS**

28 ~~Following review by the Director of the Division of Archives and History, a list shall be prepared containing for~~  
29 ~~each series of records a description, inclusive dates, and the volume of the subject records. There shall be attached to~~  
30 ~~each item description a statement justifying the proposed disposal of the records involved.~~

31  
32 If the Director of the Office of Archives and History concurs with the decision to deaccession the identified records  
33 series, the Director shall ask the staff of the Division or Archives and Records to prepare a detailed list for each  
34 series of records. The detailed list shall include:

- 35 (a) series name;  
36 (b) description of the records;  
37 (c) inclusive date and volume of records;  
38 (d) statement of rationale for decision to deaccession the records; and  
39 (e) statement of proposed disposition of the records. Disposition methods include:  
40 (1) destruction; or  
41 (2) transfer to another institution; or  
42 (3) return to donor or heirs.  
43

44 *History Note:* Authority G.S. 121-4(3); 121-5(d); 143B-62(2)a,b;  
45 Eff. February 1, 1985.  
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### 49 **07 NCAC 04M .0403 APPROVAL BY HISTORICAL COMMISSION**

50 ~~The description and the statement of justification shall be reviewed by the Director of the Division of Archives and~~  
51 ~~History, and shall be sent to each member of the North Carolina Historical Commission at least seven days in~~  
52 ~~advance of the meeting in which the proposal will be considered.~~

53 ~~Following approval by the North Carolina Historical Commission, a complete list of the records authorized to be~~  
54 ~~destroyed by the Commission shall be entered into the minutes of the Commission.~~

1 The subject records may be destroyed following receipt of notification of the approval for destruction by the North  
2 Carolina Historical Commission.

3  
4 (a) The Director of the Office of Archives and History shall send the list as set forth in Rule .0402, the rationale for  
5 the decision to deaccession the records, and the proposed disposal of the records to each member of the North  
6 Carolina Historical Commission at least seven days before the meeting at which the proposal will be considered.

7 (b) Following approval by the North Carolina Historical Commission, the complete list of records authorized for  
8 deaccessioning will be entered into the minutes, along with the proposed disposal method.

9 (c) Upon receipt of the minutes of the Commission granting permission for deaccessioning, the Director of the  
10 Division of Archives and Records may proceed as directed by the Commission, retaining complete records of the  
11 action within the Division's files.

12  
13 *History Note:* Authority G.S. 121-4(3); 121-5(d); 143B-62(2)a,b;  
14 Eff. February 1, 1985.

## 15 16 17 18 19 20 SECTION .0500 - STATE RECORDS CENTER

### 21 22 07 NCAC 04M .0501 TRANSFER OF RECORDS TO STATE RECORDS CENTER

23 The State Records Center ~~will~~ shall accept for transfer to its ~~physical~~ custody the records of state agencies, county  
24 agencies, or municipal agencies, ~~providing~~ provided the records are scheduled to be transferred to the State Records  
25 Center on an approved records retention and disposition ~~schedule or an approved records retention and disposition~~  
26 ~~standard.~~ schedule. A records retention and disposition schedule is approved when signed by the creating agency  
27 and the Department of Cultural Resources.

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29 *History Note:* Authority G.S. 121-4(2); 121-5(d); 132-8.1; 143B-62(2)b;  
30 Eff. February 1, 1985.

### 31 32 33 07 NCAC 04M .0502 LEGAL CUSTODY OF RECORDS

34 (a) Public records ~~transferred sent to and physically stored in~~ the State Records Center in accordance with the  
35 provisions of an approved records retention and disposition ~~schedule or standard,~~ schedule, or in accordance with  
36 any other agreement between the Department of Cultural Resources and the originating agency or department, are  
37 considered to remain in the legal and official custody of the agency that created or received the records and that  
38 transferred them to the State Records Center. A request for access to, or inspection of, ~~paper or microfilm~~ these  
39 records ~~in the physical custody of the State Records Center~~ by a person other than an authorized employee of the  
40 legal custodian ~~will~~ shall not be honored until authority in writing has been granted by an appropriate official of the  
41 agency having legal custody.

42 (b) Public records transferred to the Division of Archives and Records for permanent retention may be accessed  
43 through the public research areas of the Division.

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46 *History Note:* Authority G.S. 121-4(2); 121-5(d); 132-6; 143B-62(2)b;  
47 Eff. February 1, 1985;  
48 Amended Eff. June 1, 1989.

### 49 50 51 07 NCAC 04M .0503 PROCEDURES FOR TRANSFER OF RECORDS

~~(a) Physical transfer of records to the State Records Center shall be initiated by the agency or organization requesting transfer. A representative of the said agency or organization will submit to the State Records Center supervisor a records transfer notice including agency name, title of records, reference to schedule, volume of records, their inclusive dates, and the name and telephone number of the representative submitting the request.~~

~~(b) Records Center boxes, together with paper tape and instructions on packing and labeling, shall be sent to the agency transferring records upon request, and at the expense of the agency.~~

~~(c) Only records packed in Records Center boxes shall be accepted for storage in the State Records Center.~~

~~(d) The agency or organization initiating the transfer shall arrange records in the boxes and label boxes in accordance with instructions. Boxes which do not comply with instructions shall be returned to the agency or organization for correction.~~

~~(e) Records which cannot be identified clearly and completely by the information on the label of the Records Center box must be accompanied by a typewritten index or box list prepared by the agency or organization of origin.~~

~~(f) Records transferred from within ten miles of Capitol Square, Raleigh, shall be shipped by arrangement with the Supervisor, State Records Center. Records transferred from beyond ten miles of Capitol Square, Raleigh, must be shipped by the agency or organization concerned, and at its expense.~~

(a) An agency or organization shall initiate the transfer of records to the State Records Center. A representative of the agency or organization shall submit to the State Records Center supervisor a records transfer notice including agency name, title of records, reference to schedule, quantity of records, their inclusive dates, and the name and telephone number of the representative submitting the request.

(b) For transfer of paper and other physical media, the following guidelines shall be adhered to by the transferring agency:

(1) Records Center boxes, together with paper tape and instructions on packing and labeling, shall be sent to the agency transferring records upon request, and at the expense of the agency.

(2) Only records packed in Records Center boxes shall be accepted for storage in the State Records Center.

(3) The agency or organization initiating the transfer shall arrange records in the boxes and label boxes in accordance with instructions. Boxes that do not comply with instructions shall be returned to the agency or organization for correction.

(4) Records that cannot be identified clearly and completely by the information on the label of the Records Center box shall be accompanied by a typewritten index or box list prepared by the agency or organization of origin.

(5) Records transferred from within ten miles of Capitol Square, Raleigh, shall be shipped by arrangement with the Supervisor, State Records Center. Records transferred from beyond ten miles of Capitol Square, Raleigh, shall be shipped by the agency or organization concerned, and at its expense.

(c) For transfer of electronic public records, the following guidelines shall be adhered to by the transferring agency:

(1) Transfers of databases shall be accompanied by index information required in G.S. 132-6.1.

(2) Agencies shall scan records and find them to be free of viruses.

(3) Agencies shall generate a hash algorithm for each file being transferred. The agency shall include the hash algorithm as part of the transfer.

(4) Agencies shall include any metadata generated at the time of file creation and any subsequent metadata created during the use of the file in the records transfer.

(5) Upon receipt of the transfer of electronic records, the State Records Center shall verify that the electronic records transferred were complete and unaltered prior to accepting them for storage by the Division of Archives and Records.

*History Note: Authority G.S. 121-4(2); 121-5(d); 143B-62(2)b;  
Eff. February 1, 1985;  
Amended Eff. April 1, 2001; June 1, 1989.*

#### **07 NCAC 04M .0504 PHYSICAL TRANSMITTAL OF RECORDS**

*History Note: Authority G.S. 121-4(2); 121-5(d); 143B-62(2)b;  
Eff. February 1, 1985;*



1 *Repealed Eff. June 1, 1989.*

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5 **07 NCAC 04M .0505 RECORDS CENTER REFERENCE SERVICE**

6 ~~The agency or organization of origin retains legal custody of records transferred to the State Records Center.~~  
7 ~~Anyone or any other agency desiring access to, or copies of, records must obtain written authorization from the legal~~  
8 ~~custodian or his designated representative. Requests for records or reference service will be made on forms provided~~  
9 ~~by the State Records Center. In an emergency, records or reference service may be provided after telephoned request~~  
10 ~~and with the approval of the Chief, Archives and Records Section.~~

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12 *History Note: Authority G.S. 121-4(2); 121-5(d); 143B-62(2)b;*  
13 *Eff. February 1, 1985;*  
14 *Amended Eff. June 1, 1989.*

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18 **07 NCAC 04M .0506 PERSONAL PICKUP FOR EMERGENCY REFERENCE**

19 Records approved for emergency reference shall not be mailed or sent by interagency messenger service. The  
20 representative sent to retrieve records must bring identification and written authorization for release signed by the  
21 legal custodian.

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23 *History Note: Authority G.S. 121-4(2); 121-5(d); 143B-62(2)b;*  
24 *Eff. February 1, 1985;*  
25 *Amended Eff. June 1, 1989.*

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29 **07 NCAC 04M .0507 PERSONNEL RECORDS**

30 Any employee or former employee desiring access to personnel records ~~must~~ shall make the request through the  
31 personnel office of the agency ~~which~~ that retains legal custody of the records. Upon receipt of request from the  
32 appropriate personnel office, the State Records Center will forward personnel information to that office.

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34 *History Note: Authority G.S. 121-4(2); 121-5(d); 143B-62(2)b;*  
35 *Eff. February 1, 1985;*  
36 *Amended Eff. June 1, 1989.*

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40 **07 NCAC 04M .0508 CERTIFICATION BY AGENCY WITH CUSTODY**

41 ~~Only copies of records that are in the legal custody of the~~ The Department of Cultural Resources ~~may be~~ shall  
42 ~~certified by the Department~~ certify only copies of records that are in its legal custody. Copies of records that are in  
43 the physical custody of the State Records Center must be certified by the agency having legal custody, if such  
44 certification is requested. ~~In the event that~~ If records of terminated agencies are in the State Records Center and are  
45 in the legal custody of the Department of Cultural Resources, copies may be certified by the Department of Cultural  
46 Resources.

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48 *History Note: Authority G.S. 121-4(2),(3); 121-5(d); 132-4; 143B-62(2)b,c;*  
49 *Eff. February 1, 1985.*

1 **07 NCAC 04M .0509 DESTRUCTION OF RECORDS IN STATE RECORDS CENTER**

2 The provisions of an approved records retention and disposition schedule ~~will~~ shall apply to the records ~~in the~~  
3 ~~physical custody of the State Records Center since the records that~~ remain in the legal custody of the agency  
4 concerned. ~~When the approved disposition is destruction, the records will not be destroyed until concurrence in~~  
5 ~~writing of the agency with legal custody is received. The records shall not be destroyed until the agency with legal~~  
6 ~~custody concurs in writing.~~

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8 *History Note:* Authority G.S. 121-4(2); 121-5(b),(c),(d); 132-8.1 143B-62(2)b;  
9 Eff. February 1, 1985.

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13 **07 NCAC 04M .0510 METHODS DEFINITION OF DESTRUCTION**

14 (a) When used in an approved records retention and disposition schedule, the provision that paper records are to be  
15 destroyed means that the records are to be:

- 16 (1) burned, unless prohibited by local ordinance;  
17 (2) shredded or torn ~~up~~ so as to destroy the record content of the documents or materials concerned;  
18 (3) placed in acid vats so as to reduce the paper to pulp and to terminate the existence of the document  
19 or materials concerned; or  
20 (4) ~~buried under such conditions that the record nature of the documents or materials shall be~~  
21 ~~terminated; or~~  
22 (5)(4) sold as waste paper, provided that the purchaser agrees in writing that the documents or materials  
23 concerned will not be resold ~~as documents or records.~~ without pulverizing or shredding the  
24 documents so that the information contained within cannot be practicably read or reconstructed.

25 (b) When used in an approved records retention and disposition schedule, the provision that electronic records are to  
26 be destroyed means that the data and metadata are to be overwritten, deleted, and unlinked so the data and metadata  
27 may not be practicably reconstructed.

28 (c) When used in an approved records retention and disposition schedule, the provision that confidential records of  
29 any format are to be destroyed means the data, metadata, and physical media are to be destroyed in such a manner  
30 that the information cannot be read or reconstructed under any means.

31  
32  
33 *History Note:* Authority G.S. 121-4(2); 121-5(b),(c),(d); 132-3; 132-8.1; 132-8.2; 143B-62(1)g; 143B-62(2)b;  
34 143B-62(2)b;  
35 Eff. February 1, 1985;  
36 Amended Eff. April 1, 2001; June 1, 1989.

37  
38 **07 NCAC 04M .0511 DESTRUCTION OF CERTAIN RECORDS SCHEDULED FOR ARCHIVES**

39 Records scheduled in an approved records retention and disposition schedule to be transferred to the State ~~for review~~  
40 ~~or accepted by the State Records Center for the State Archives~~ Archives, but not yet accessioned by the State  
41 Archives may be destroyed ~~in accordance with procedures approved by the Director of the Division of Archives and~~  
42 ~~History~~ providing:

- 43 (1) The records are considered by the Director of the Division of Archives and History not to have  
44 permanent ~~value.~~ historical value; or  
45 (2) The records are exact duplicates or copies of other records in the records series transferred or  
46 accessioned.

47  
48 *History Note:* Authority G. S. 121-4(2); 121-5(b),(c),(d); 132-8.1; 132-8.2; 143B-62(1)g; 143B-62(2)b;  
49 Eff. February 1, 1985;  
50 Amended Eff. April 1, 2001; June 1, 1989.

51  
52 **07 NCAC 04M .0512 RESTRICTED AREAS IN STATE RECORDS CENTER FACILITIES**

53 Access to the facilities controlled by the State Records Center ~~is~~ shall be limited to persons on official business.  
54 Visitors ~~are~~ shall not be permitted in the records storage ~~areas the microfilm areas,~~ areas, or beyond the  
55 administrative office without an escort provided by the State Records Center. All visitors ~~are required to~~ shall sign in

when entering and to sign out when leaving the ~~State Records Center building~~. Visitors who are not known to the ~~State Records Center staff~~ will be required to produce identification before being given records requested by ~~agencies~~. facilities. Access by visitors not on official business ~~may~~ shall be denied.

*History Note:* Authority G.S. 121-4(2); ~~132-6~~; 143B-62(2)b;  
Eff. February 1, 1985;  
Amended Eff. April 1, 2001; June 1, 1989.

07 NCAC Subchapter 4V is proposed to be repealed under permanent rule procedures as follows:

#### **~~CHAPTER 4—DIVISION OF ARCHIVES AND HISTORY~~**

#### **~~SUBCHAPTER 4V—OUTER BANKS HISTORY CENTER~~**

#### **~~SECTION .0100—OUTER BANKS HISTORY CENTER: USE AND SERVICES~~**

##### **07 NCAC 04V .0101 STATEMENT OF PURPOSE**

~~The purpose of the Outer Banks History Center is to promote and safeguard the documentary and cultural heritage of the state by collecting, preserving, and cataloging published works, manuscripts, audio-visual, and graphic materials relevant to the Outer Banks; to make these materials available to the public on a regularly scheduled basis; to sponsor research projects in North Carolina coastal history; to provide professional and technical assistance to patrons; and to operate a public history gallery.~~

*History Note:* Authority G.S. 121-4(3); 121-5(d); 143B-62(2)a.;  
Eff. March 1, 1990.

##### **07 NCAC 04V .0102 OUTER BANKS HISTORY CENTER SEARCH ROOM HOURS**

~~(a) The Outer Banks History Center Search Room is open to the public from 9:00 a.m. to 5:00 p.m. Monday through Friday.~~

~~(b) The Outer Banks History Center Search Room is closed on Saturdays, Sundays, official state holidays, and two days in January for inventory.~~

*History Note:* Authority G.S. 121-4(3); 121-5(d); 143B-62(2)a.;  
Eff. March 1, 1990.

##### **07 NCAC 04V .0103 OUTER BANKS HISTORY CENTER REFERENCE AND TECHNICAL SERVICES**

~~Reference and technical services available to the public are outlined in a brochure available in the lobby of the Outer Banks History Center.~~

*History Note:* Authority G.S. 121-4(3); 121-5(d); 143B-62(2)a.;  
Eff. March 1, 1990.

##### **07 NCAC 04V .0104 ADMISSION TO OUTER BANKS HISTORY CENTER STACKS**

1 ~~Permission for extended access to the Outer Banks History Center stacks may be obtained from the Curator,~~  
2 ~~provided that a letter of application is submitted stating the material to be consulted and the reason why the research~~  
3 ~~cannot be conducted from the Search Room. Upon verbal request, stack access not to exceed two hours may be~~  
4 ~~granted by the Curator or his designated representative, provided that the person granted this access is accompanied~~  
5 ~~by a member of the Outer Banks History Center staff.~~

6  
7 *History Note:* Authority G.S. 121-4(3); 121-5(d); 143B-62(2)a.;  
8 *Eff. March 1, 1990.*  
9

## 10 11 12 **07 NCAC 04V .0105 OUTER BANKS HISTORY CENTER SEARCH ROOM REGULATIONS**

13 Regulations governing public use of the Outer Banks History Center Search Room are as follows:

- 14 (1) ~~Briefcases, coats, privately owned books, papers, and similar materials considered inappropriate~~  
15 ~~by the Outer Banks History Center Curator may not be carried into the Search Room. Lockers are~~  
16 ~~provided in the lobby for such materials.~~
- 17 (2) ~~Admission to the Search Room shall be granted only after proper identification is provided to the~~  
18 ~~attending staff member. Researchers may be registered by either a daily admission slip or by a~~  
19 ~~permanent patron identification card. The initial permanent identification card is provided~~  
20 ~~free of charge to any requesting patron; a charge of one dollar (\$1.00) is assessed for a~~  
21 ~~replacement card.~~
- 22 (3) ~~Researchers will request materials by filling in call slips and surrendering their admission slip or~~  
23 ~~patron card to the Search Room staff.~~
- 24 (4) ~~When a researcher has completed use of the materials, a Search Room staff member must be~~  
25 ~~notified. The staff member may inspect these materials and any personal property carried into the~~  
26 ~~Search Room before returning the researcher's patron card or daily admission slip.~~
- 27 (5) ~~Researchers must exercise care in the use of materials, specifically observing the following:~~
  - 28 (a) ~~Materials may not be marked or otherwise altered or defaced.~~
  - 29 (b) ~~Pencils are the only writing instruments permitted in the Search Room.~~
  - 30 (c) ~~All materials are to be placed flat on tables or on stands; materials may not be held in the~~  
31 ~~lap or propped against the edge of a table.~~
  - 32 (d) ~~Materials, including those from the Search Room reference case, may not be removed~~  
33 ~~from the Search Room area.~~
  - 34 (e) ~~To avoid possible mixing of records, only one box or folder of loose material may be~~  
35 ~~opened at one time.~~
- 36 (6) ~~Smoking, eating, and drinking are not permitted in the Search Room when any materials from the~~  
37 ~~stacks are present.~~
- 38 (7) ~~Use of Outer Banks History Center computers is restricted to scheduled time periods; researchers~~  
39 ~~may perform only on-line database searches and produce only terminal display reports; printouts~~  
40 ~~and graphic reproductions may be made only by the center staff.~~
- 41 (8) ~~Printouts, graphic reproductions, and photocopies will be made on an "as you wait" basis if the~~  
42 ~~equipment and operator are available. Descriptions of these and similar services, the procedures~~  
43 ~~for requesting these services, and their current costs, are described in an informational brochure~~  
44 ~~available in the Outer Banks History Center Lobby.~~

45  
46 *History Note:* Authority G.S. 121-4(3); 121-4(14); 121-5(d); 143B-62(2)a.;  
47 *Eff. June 1, 1990.*  
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## 50 51 **SECTION .0200 - PUBLIC HISTORY GALLERY USE**

### 52 53 **07 NCAC 04V .0201 PUBLIC HISTORY GALLERY HOURS**

1 ~~(a) The Public History Gallery of the Outer Banks History Center is open to the public from 10:00 a.m. to 4:00 p.m.~~  
2 ~~Monday through Friday.~~

3 ~~(b) The Public History Gallery is closed on Saturdays, Sundays, official state holidays, and upon occasion, for~~  
4 ~~announced meetings, special events, or exhibit preparation.~~

5  
6 *History Note:* Authority G.S. 121-4(3); 121-5(d); 143B-62(2)a.;  
7 *Eff. March 1, 1990.*  
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11 **07 NCAC 04V .0202 PUBLIC HISTORY GALLERY REGULATIONS**

12 ~~(a) Eating, drinking, and smoking are not permitted in the Gallery.~~

13 ~~(b) Visitors may not touch art works or graphics.~~

14 ~~(c) Children under 12 years of age must be accompanied by an adult.~~

15  
16 *History Note:* Authority G.S. 121-4(3); 121-5(d); 143B-62(2)a.;  
17 *Eff. March 1, 1990.*  
18  
19